

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: MDL Docket No 04-1606 VRW
DEEP VEIN THROMBOSIS ORDER

This Document Relates To:

05-1896 VRW

On August 1, 2005, the court ordered plaintiffs to show cause why defendant Delta Airlines should not be dismissed under the federal preemption reasoning announced in the court's March 11, 2005, order (04-1606 VRW Doc #151), Doc #11 (OSC). Plaintiffs filed their response that same day. Doc #13. Plaintiffs asserts that the Supreme Court's decision in Bates v Dow Agrosciences, LLC, 125 S Ct 1788 (2005), compels a different result from the one reached in the court's March 11, 2005, preemption order. Doc #13 at 2-3. The court has already rejected this contention. (04-1606 Doc #194). Accordingly, all claims against defendant Delta Airlines are DISMISSED with prejudice and the clerk is directed to ENTER JUDGMENT in favor of Delta.

1 Delta is the only named defendant in this action; the
2 other 101 defendants are unidentified DOE defendants. Accordingly,
3 the remaining unnamed defendants are DISMISSED without prejudice.
4 The clerk is DIRECTED to CLOSE the file and TERMINATE all motions.

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6 SO ORDERED.

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10 VAUGHN R WALKER

11 United States District Chief Judge
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